

# Scorpions M

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**T**HE FORCED MARCH of nuclear technology has brought the United States and the Soviet Union to the foot of a new mountain of weapons. They have the choice of going on up that mountain—perhaps toward an Armageddon—or veering off.

The two nuclear superpowers—ill-omened by the late Robert Oppenheimer to two scorpions in a bottle—for the first time face the choice as near equals. There is no "missile gap" on either side.

In fact, both the United States and the Soviet Union are on the verge of producing doomsday weapons that may so upset the present balance of terror that it can never be restored. This fact is adding a sense of urgency to arguments in favor of a treaty limiting the offensive and defensive missiles on both sides.

## Both Sides Are Interested

**P**RESIDENT JOHNSON wants to start negotiating that treaty as soon as he observes an appropriate mourning period for the Czechs. The Soviets, for their part passed the word after their invasion of Czechoslovakia

that they are still interested in discussing a missile freeze.

If such a treaty cannot be negotiated, the U.S. Joint Chiefs of Staff have a clutch of proposals for bombers, missiles and other new strategic weapons that would easily add another \$100 billion to the military budget, Vietnam war or not.

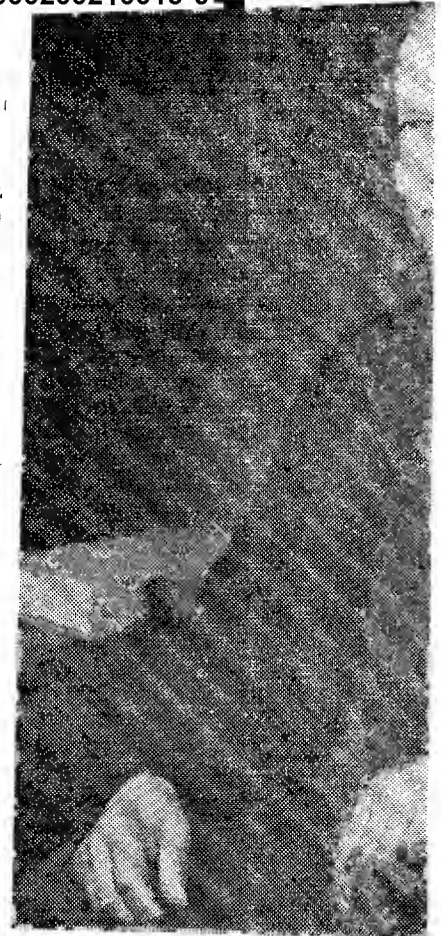
Their Soviet counterparts also are poised for a big advance in weaponry. They have installed far fewer antiballistic missiles around Moscow than U.S. intelligence leaders predicted but, unbraked by a treaty, they could plunge ahead with an extensive ABM system that would force the United States to take more countermeasures.

Unlike automobiles, weapons take eight or more years to get from the drawing board into steel. Both superpowers have now progressed to the point of readiness to put the latest models into production. But, happily for those who want to keep new weapons strictly on paper, the ability of each side to negotiate from strength may make it easier to reach a missile freeze agreement.

Intercontinental ballistic missiles are a case in point. American and Soviet leaders know that they are about even in ICBMs. The United

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and personal integrity are the only qualifications requisite for a Supreme Court Justice. He is sadly in error. There is a third indispensable qualification.

No matter what other gifts or attainments one may possess, he is not qualified to be a Supreme Court Justice unless he is both able and willing to subject himself to the self-restraint which enables him to accept the Constitution as the rule for the government of his judicial action and makes him refrain from attempting to revise or update that instrument according to his personal views as to what is desirable when he undertakes to interpret it.

## Check of Self-Restraint

**C**HIEF JUSTICE STONE certainly had this truth in mind when he affirmed in *United States vs. Butler*, 297 U.S. 1, 78-79, "that while unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint."

Some men possess the ability and exercise self-restraint in judicial offices; others do not. The reason for this is revealed by some illuminating observations of Dan